

IN THE SUPREME COURT OF THE STATE OF DELAWARE

STEVEN DRAKE,

Defendant Below,
Appellant,

v.

STATE OF DELAWARE,

Appellee.

§

§ No. 105, 2023

§

§ Court Below—Superior Court
§ of the State of Delaware

§

§ Cr. ID No. 0509011266A (N)

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Submitted: April 14, 2023

Decided: April 19, 2023

ORDER

On March 27, 2023, the appellant filed a notice of appeal from the Superior Court’s summary dismissal of his second motion for postconviction relief while his timely motion for reargument was pending in the Superior Court. The Senior Court Clerk issued a notice directing the appellant to show cause why this appeal should be dismissed for this Court’s lack of jurisdiction to hear criminal interlocutory appeals. The notice to show cause was delivered, as evidenced by the certified return receipt filed with the Court, on April 3, 2023. The appellant has not responded to the notice to show cause within the required ten-day period. Dismissal of this appeal is therefore deemed to be unopposed.

NOW, THEREFORE, IT IS ORDERED, under Supreme Court Rules 3(b)(2) and 29(b), that this appeal is DISMISSED.

BY THE COURT:

/s/ Collins J. Seitz, Jr.
Chief Justice